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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRED DOYLE HARDEN,

Harden,

vs.

CITY OF CLAYTON; et al.,

Defendants.

) Case No.: C10-04155-MEJ

) **STIPULATION AND ~~PROPOSED~~ ORDER**
) **FOR EXTENSION OF DISCOVERY AND**
) **OTHER DEADLINES**

) Judge: Hon. Maria-Elena James
) Dept: Courtroom: B - 15th Floor
)
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1 The parties to the above-entitled action jointly submit this Stipulation and [Proposed] Order
2 for an extension of some of the discovery and other deadlines set in this case per the good cause
3 showing set forth below. The parties, by and through their respective attorneys of record, hereby
4 stipulate to the following:

5 1. WHEREAS this matter is a civil rights case arising out of the arrest of Plaintiff by
6 officers of the Clayton Police Department, which arrest Plaintiff alleges was without probable cause;

7 2. WHEREAS the expert disclosure deadline is currently set for April 27, 2012, with the
8 expert rebuttal disclosure date of May 7th;

9 3. WHEREAS currently the deadline for all fact and expert discovery is May 22, 2012;

10 4. WHEREAS the current deadline to file and serve dispositive motions is June 21, 2012,
11 with a dispositive motion hearing date of July 26, 2012;

12 5. WHEREAS the parties are ordered to meet and confer regarding preparation of the
13 joint pretrial conference statement by September 26, 2012 and pretrial filings are to be filed starting
14 by October 11, 2012.

15 6. WHEREAS the initial pretrial conference in this matter is currently set for October 25th
16 and the final pretrial conference is set for November 22nd (Thanksgiving Day). Trial in this matter is
17 scheduled for November 26, 2012;

18 7. WHEREAS the parties seek to defer expert disclosures and discovery until following a
19 ruling by the Court on any dispositive motions filed in this matter, which are anticipated by
20 Defendants. This way, the parties can conserve resources of retaining and deposing experts pending
21 the outcome of any dispositive motions which may moot the issue as parties may be dismissed.

22 8. WHEREAS the parties also seek to have the final pretrial conference date moved from
23 November 22nd, Thanksgiving Day, likely a calendaring oversight by the Court as the Court is likely
24 closed, to another date prior to Thanksgiving Day.

25 9. WHEREAS the parties were set to attend the court sponsored and ordered mediation
26 with Mr. Amitai Schwartz, Esq. on March 6, 2012, the date of the deadline to mediate per information

from the mediator, but were informed only days prior to that date that Mr. Schwartz's mother was likely dying shortly so Mr. Schwartz had to continue the mediation. The parties are awaiting Mr. Schwartz's initiations of discussions to reset this mediation, which does appear likely to occur until late March or early April. Therefore, the parties also seek to extend the deadline for ADR.

10. WHEREAS the parties seek to modify the current schedule, as listed in the Court's Case Management Order, Document 44, e-filed by the Court on December 8, 2011, as listed below. Should the Court want the parties to attend a hearing or telephonic conference call to discuss these issues, the parties are so willing and defer to the Court on that issue.

Schedule

Event	Current Deadlines	Proposed New Deadlines
Deadline to complete mediation	March 6, 2012	April 11, 2012
Expert Disclosure Deadline	April 27, 2012	August 24, 2012
Rebuttal Expert Disclosure Deadline	May 7, 2012	September 4, 2012
Completion of Fact Discovery	May 22, 2012	No change.
Completion of Expert Discovery	May 22, 2012	September 21, 2012
Dispositive Motion Hearing	July 26, 2012	No change.
Initial Pretrial Conference	October 25, 2012	No change.
Final Pretrial Conference	November 22, 2012	Per Court's Availability
Trial Date	November 26, 2012	No change.

IT IS SO STIPULATED

Dated: March 12, 2012

/s/ J. Michael Brown

J. MICHAEL BROWN

Attorney for Plaintiff

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Dated: March 12, 2012

/s/ Noah G. Blechman

JAMES V. FITZGERALD III / NOAH G. BLECHMAN, Attorneys for City of Clayton Defendants

Dated: March 12, 2012

/s/ Wilfred Fong

WILFRED FONG, Deputy Attorney General, Attorney for Defendant Terry Elm

ORDER

Pursuant to stipulation and on a showing of good cause, the court hereby orders the following changes to be made to the current deadlines in this case.

Event	Current Deadlines	New Deadlines
Deadline to complete mediation	March 6, 2012	April 11, 2012
Expert Disclosure Deadline	April 27, 2012	August 24, 2012
Rebuttal Expert Disclosure Deadline	May 7, 2012	September 4, 2012
Completion of Fact Discovery	May 22, 2012	No change (May 22, 2012)
Completion of Expert Discovery	May 22, 2012	September 21, 2012
Dispositive Motion Hearing	July 26, 2012	No change (July 26, 2012)
Initial Pretrial Conference	October 25, 2012	No change (October 25, 2012)
Final Pretrial Conference	November 22, 2012	Per Court's Availability
Trial Date	November 26, 2012	No change (November 26, 2012)

All other dates, deadlines and protocols ordered in this matter shall remain unchanged.

IT IS SO ORDERED.

Dated: March 12, 2012 By: _____


Honorable Maria-Elena James
United States Magistrate Judge